

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff and Counterclaim-Defendant,

v.

CELLCO PARTNERSHIP, D/B/A VERIZON
WIRELESS, and VERIZON CORPORATE
SERVICES GROUP INC.,

Defendants and Counterclaimant-Plaintiffs.

Case No. 2:23-CV-00352-JRG-RSP

ANSWER TO COUNTERCLAIMS

JURY TRIAL DEMANDED

HEADWATER'S ANSWER TO VERIZON'S COUNTERCLAIMS

Plaintiff and Counterclaim-Defendant Headwater Research LLC (“Headwater”) hereby answers Defendants and Counterclaimant-Plaintiffs Cellco Partnership, d/b/a Verizon Wireless, and Verizon Corporate Services Group Inc.’s (collectively, “Verizon” or “Defendants and Counterclaim-Plaintiffs”) counterclaims in its Amended Answer (D.I. 81-1) as follows:

THE PARTIES

1. Headwater does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 and on that basis: denied.
2. Headwater does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 and on that basis: denied.
3. Admitted.

JURISDICTION AND VENUE

4. Admitted.
5. Admitted.

6. Admitted.

7. Headwater admits that it has sued Verizon for infringement of the '541 Patent, '543 Patent, '042 Patent, or '613 Patent and that there is a substantial, actual, and continuing controversy between Headwater and Verizon as to the infringement of the asserted patents. Headwater denies the remaining allegations of paragraph 7.

COUNT 1

(Declaratory Judgment of Non-Infringement of the '541 Patent)

8. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

9. Denied.

10. Denied.

COUNT 2

(Declaratory Judgment of Invalidity of the '541 Patent)

11. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

12. Denied.

13. Denied.

COUNT 3

(Declaratory Judgment of Non-Infringement of the '543 Patent)

14. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

15. Denied.

16. Denied.

COUNT 4
(Declaratory Judgment of Invalidity of the '543 Patent)

17. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.
18. Denied.
19. Denied.

COUNT 5
(Declaratory Judgment of Non-Infringement of the '042 Patent)

20. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.
21. Denied.
22. Denied.

COUNT 6
(Declaratory Judgment of Invalidity of the '042 Patent)

23. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.
24. Denied.
25. Denied.

COUNT 7
(Declaratory Judgment of Non-Infringement of the '613 Patent)

26. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.
27. Denied.
28. Denied.

COUNT 8
(Declaratory Judgment of Invalidity of the '613 Patent)

29. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.
30. Denied.
31. Denied.

PRAYER FOR RELIEF

In response to Verizon's prayer for relief, Headwater denies that Verizon is entitled to any relief, including any of the relief requested in paragraphs A–E of Verizon's prayer for relief. Further, Headwater requests the following relief:

WHEREFORE, Headwater respectfully requests that this Court enter:

- a. A judgment in favor of Headwater that Verizon has infringed, either directly or indirectly, literally, under the doctrine of equivalents, or otherwise, the '541 Patent, the '543 Patent, the '042 Patent, and the '613 Patent;
- b. A permanent injunction prohibiting Verizon from further acts of infringement of the '541 Patent, the '543 Patent, the '042 Patent, and the '613 Patent;
- c. A judgment and order requiring Verizon to pay Headwater its damages, enhanced damages, costs, expenses, and pre-judgment and post-judgment interest for Verizon's infringement of the '541 Patent, the '543 Patent, the '042 Patent, and the '613 Patent;
- d. A judgment and order requiring Verizon to provide accountings and to pay supplemental damages to Headwater, including without limitation, pre-judgment and post-judgment interest;
- e. A judgment and order finding that this is an exceptional case within the meaning

of 35 U.S.C. § 285 and awarding to Headwater its reasonable attorneys' fees against Verizon; and

f. Any and all other relief as the Court may deem appropriate and just under the circumstances.

JURY DEMAND

Headwater, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: September 17, 2024

Respectfully submitted,

/s/ Marc Fenster

Marc Fenster
CA State Bar No. 181067
Email: mfenster@raklaw.com
Reza Mirzaie
CA State Bar No. 246953
Email: rmirzaie@raklaw.com
Brian Ledahl
CA State Bar No. 186579
Email: bledahl@raklaw.com
Ben Wang
CA State Bar No. 228712
Email: bwang@raklaw.com
Adam Hoffman
CA State Bar No. 218740
Email: ahoffman@raklaw.com
Dale Chang
CA State Bar No. 248657
Email: dchang@raklaw.com
Paul Kroeger
CA State Bar No. 229074
Email: pkroeger@raklaw.com
Neil A. Rubin
CA State Bar No. 250761
Email: nrubin@raklaw.com
Kristopher Davis
CA State Bar No. 329627
Email: kdavis@raklaw.com
James S. Tsuei
CA State Bar No. 285530
Email: jtsuei@raklaw.com
Philip Wang
CA State Bar No. 262239
Email: pwang@raklaw.com
Amy Hayden
CA State Bar No. 287026
Email: ahayden@raklaw.com
Jason M. Wietholter
CA State Bar No. 337139
Email: jwietholter@raklaw.com
Qi (Peter) Tong
TX State Bar No. 24119042
Email: ptong@raklaw.com
RUSS AUGUST & KABAT

12424 Wilshire Blvd. 12th Floor
Los Angeles, CA 90025
Telephone: 310-826-7474

Andrea L. Fair
WARD, SMITH & HILL, PLLC
1507 Bill Owens Parkway
Longview, Texas 75604
Telephone: 903-757-6400
andrea@wsfirm.com

**ATTORNEYS FOR PLAINTIFF AND
COUNTERCLAIM-DEFENDANT,
Headwater Research LLC**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 17th day of September 2024, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Marc Fenster
Marc Fenster